

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE**

ROBERT STARBUCK NEWSOM, aka	)	
ROBBY STARBUCK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No. 3:22-cv-00318
SCOTT GOLDEN, in his official capacity as	)	
Chairman of the Tennessee Republican Party;	)	
the TENNESSEE REPUBLICAN PARTY;	)	Judge Crenshaw
MARK GOINS, in his official capacity as	)	Magistrate Judge Frensley
Coordinator of Elections—Office of the	)	
Tennessee Secretary of State; and TRE	)	
HARGETT, in his official capacity as	)	
Tennessee Secretary of State,	)	
	)	
Defendants.	)	

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**NOTICE OF ELECTION-RELATED DEADLINES**

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Pursuant to the Court’s request at the May 4, 2022 telephone conference, the undersigned files this notice to inform the Court and the Parties of the election-related deadlines for finalization of the ballots. This notice is intended to supplement the dates provided in State Defendants’ Response in Opposition to Plaintiff’s Motion for a Temporary Restraining Order.

To acquire this information, the undersigned asked Assistant Coordinator of Elections, Beth Henry-Robertson to liaise with the affected county election administrators and vendors. She reported as follows:

Unlike the redistricting lawsuit which involved all 95 counties, there are only 5 counties impacted by the lawsuit involving Plaintiff, namely Davidson, Lewis, Maury, Williamson, and

Wilson Counties. Even so, each of the individuals involved in setting up the ballots stated that they want the exact content of the ballot as soon as possible.

Based on Ms. Henry-Robertson's conversations with election officials and vendors responsible for setting up the August 4, 2022 ballot, the latest that the names of candidates can be added to the August 4, 2022, primary election ballot is June 10, 2022. Each of them believes that if they have the correct ballot information by June 10, they would be able to get a sample ballot to the Coordinator of Elections for approval by June 15. For these 5 counties, the Coordinator of Elections would then have time to approve the ballots to be sent to the military and overseas voters on June 20. However, this is not an ideal situation, and puts the Coordinator of Elections and the affected county election officials on a very tight and tenuous schedule. The sooner the counties have the correct ballot, the more confidence each of them will have when setting up the August 4, 2022, ballot.

The representatives from Davidson and Wilson Counties both describe a process where they use software to set up the ballot. Each of them tests the ballots during this process. If names are added to the ballot after the ballots have been programmed, the change may affect the rest of the ballot. For example, the additional names may change the size of the ballot, or it may cause the office to be moved to a different column on the ballot. Anytime something changes on the ballot, it can affect the whole ballot because it may move the timing marks on the ballot. The optical scan tabulator reads the timing marks in the tabulation process.

For Lewis, Maury, Williamson, and Wilson Counties, the Republican Primary ballot will include the state and county general election ballot. Each of these counties report that any changes to the primary ballot will impact the general election ballot. Because of the length of the August

4, 2022, ballot, Davidson County plans on setting up the Republican Primary ballot separate from the general election ballot.

The election officials and vendors setting up the ballot describe the ballot set up process as involving the following steps:

1. Using the ballot software to set up the election. This includes listing the candidates with the respective offices on the ballot.
2. Pre-testing the ballots to make sure that the tabulators correctly read the ballot to tabulate the votes.
3. Sending the sample ballot to the Coordinator of Elections for approval.

The County Administrator of Elections (AOE) must review and approve the sample ballot before the sample ballot is sent to our office. Consequently, any assistance a voting system vendor gives a county in setting up the ballot involves the additional step of the vendor sending the sample ballots to the AOE before the AOE sends the sample ballot to the Coordinator of Elections. If the AOE finds something on the ballot that must be changed, they send the ballot back to the vendor to make the correction.

Based upon this information, it will be possible, if not ideal, to add a candidate to the ballot on or before June 10, 2022, which will hopefully permit the Court adequate time to consider both the Party Defendants' pending Motion to Dismiss and Plaintiff's Motion for Temporary Restraining Order or in the alternative Preliminary Injunction.

Respectfully submitted,

HERBERT H. SLATERY III  
Attorney General and Reporter

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official capacities.*

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 5th day of May, 2022, a copy of the foregoing document was served via the Court's ECF system to:

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